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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In Re Affymetrix)
Derivative Litigation)
) Case No. C 06-5353 JW

This Document Relates To:
ALL ACTIONS)

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME FOR
RESPONDING TO COMPLAINT**

STIPULATION

Whereas, on October 24, 2008, this Court granted in part and denied in part Defendants' motion to dismiss the Verified Second Amended Consolidated Shareholder Derivative Complaint (the "Second Amended Complaint") with leave to amend;

Whereas, the deadline to respond to the Second Amended Complaint was extended by stipulation and order to December 3, 2008;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, subject to approval of the Court, that Nominal Defendant Affymetrix shall have until December 4, 2008, to answer the Second Amended Complaint.

Dated: December 3, 2008

DAVIS POLK & WARDWELL

By: /s/ Arthur J. Burke

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Dated: December 3, 2008

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By: /s/ Robin Winchester

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Dated: December 3, 2008

COUGHLIN STOIA GELLER RUDMAN &
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1 ATTESTATION PURSUANT TO GENERAL ORDER 45

2 I, Arthur J. Burke, attest that concurrence in the filing of this document has been obtained
3 from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.

4 Executed on this 3rd day of December, 2008, at East Palo Alto, California.

5 /s/ Arthur J. Burke
6 Arthur J. Burke

7 **ORDER**

8 PURSUANT TO STIPULATION, IT IS SO ORDERED

9
10
11 DATED: December 9, 2008


JUDGE JAMES WARE